



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,291	02/19/2004	Yutaka Katsuyama	826.1554D	3345

21171 7590 11/29/2005

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

BHATNAGAR, ANAND P

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,291

Applicant(s)

KATSUYAMA, YUTAKA

Examiner

Anand Bhatnagar

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 37-39, and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 37-39, and 43-45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46 is/are allowed.
- 6) ☒ Claim(s) 41 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-3, 37-39, and 41-46 in the reply filed on 09/19/05 is acknowledged. Applicant has elected Group IV corresponding to claims 41, 42, and 46.

Applicant has canceled claims 4-36 and 40. Currently claims 1-3, 37-39, and 41-46 are pending. Claims 1-3, 37-39, and 43-45 are withdrawn from consideration since claims 41, 42, and 46 have been elected.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matey et al. (U.S. patent 5,649,021).

Regarding claim 41: A method of setting a labeling threshold, comprising:  
extracting a part of a unicolor pattern from an input image (col. 3 lines 35-40 and col. 5 lines 55-57, wherein a range is set for a specific marker color. The two extremes of the range is read as the thresholds and the range is read as the variance.);

setting a threshold for determining a unicolor range with standard deviation obtained from color variance about the unicolor pattern extracted from

the input image (col. 3 lines 35-40 and col. 5 lines 55-57, wherein a range is set for a specific marker color. The two extremes of the range is read as the thresholds and the range is read as the variance.); and

extracting a remaining pad of the unicolor pattern based on the threshold (col. 4 lines 50-55).

Matey et al. discloses to obtain a specific color in an image by specifying a range, i.e. variance, wherein the color values would fall into. Matey et al. does not teach to use the standard deviation of the variance to obtain the specific color desired in an image. It is well known in the art to calculate the standard deviation of a variance and/or use it in image processing. Examiner takes Official Notice.

Regarding claim 42: It is rejected for the same reasons as claim 41 and for the following limitation of dividing the image into rectangles and obtaining variances for each rectangle to obtain a level color, i.e. a specific color. Matey et al. discloses to look at the different regions in the image to obtain the different colors in the image including the desired color (col. 3 lines 22-26). Matey does not teach the feature of dividing the image into rectangles, obtaining variances of each rectangle and obtaining a level color, i.e. a specific color. It would have been obvious to one skilled in the art to divide the image into rectangles and look at variances of each rectangular region since the variance and specific color extraction is taught by Matey et al.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang et al. (U.S. patent 5,802,361) for image attribute detector and analyzer.

**Contact Information**

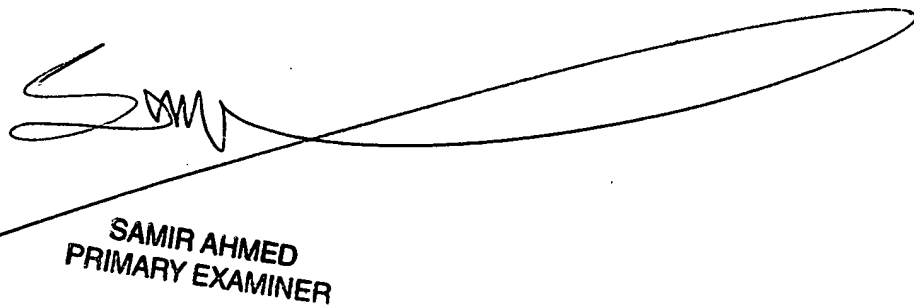
4. Any inquiry into this communication should be directed to Anand Bhatnagar whose telephone number is 571-272-7416, whose supervisor is Jingge Wu whose number is 571-272-7429, group receptionist is 703-305-4700, and Central fax is 571-273-8300.



Anand Bhatnagar

Art Unit 2623

November 27, 2005



**SAMIR AHMED  
PRIMARY EXAMINER**